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VANUATU

2008 was an active year in politics for Vanuatu on a number of levels. Vanuatu national elections were held in September, followed in December by provincial council elections in Penama, Malampa, Shefa, and Tafea, which served to consolidate the power gained by various parties in the national elections. Municipalities, which have been the subject of various allegations of mismanagement over the past few years, continued to be controversial. The country also had to deal with significant governance issues relating to rising crime levels and difficulties in

controlling prisoners. Issues of economic policy also created challenges with Vanuatu's financial services sector coming under increasing pressure, the rising cost of living being felt quite strongly, and a proposed increase to employment conditions creating uncertainty within the private sector.

Ham Lini's National United Party (NUP)–led coalition had taken over in December 2004, following a successful vote of no confidence against the government coalition led by Serge Vohor's Union of Moderate Parties (UMP), which had been elected only five months earlier. Although several reshuffles took place in the intervening years, Lini's ability to survive to the end of Parliament's four-year term was remarkable. The previous decade had seen regular votes of no confidence and numerous threats of such votes leading to nine different coalition governments and two snap elections. Lini was able to stay in power mainly because he refused to take action (ie, hold accountable politicians who were members of the coalition accused of mismanagement, corruption, or misbehavior) or make decisions that could jeopardize the coalition. Maintaining political stability was his prime objective.

In the lead-up to the national election on 2 September 2008, some of the loudest voices were urging the public to vote for change—to elect a new, younger group of politicians as the best way to bring about the transformation of Vanuatu politics. As is usually the case in Vanuatu, voter turnout was high—70.4 percent of registered voters cast their ballots. Considering the fact that voting is not compulsory, the regularly high turnout indicates that democratic practices

have taken root in Vanuatu, although all is not perfect. In several constituencies there were accusations of bribery, which unfortunately has also become standard in Vanuatu elections. A total of seven successful candidates had their elections overturned by the courts, leading to by-elections on Epi, Tanna, and Efate. There was also confusion with regard to electoral rolls, including reported cases of voters' names not having been recorded. However, overall, the voting went off smoothly.

Counting of votes for Vanuatu's fifty-two members of Parliament proceeded quickly, with unofficial results for most constituencies available within several days. Early results in the Port Vila constituency showing almost certain victory for independent candidate Ralph Regenvanu seemed to indicate that the voters had indeed had *inaf* ("enough" in Bislama, the local pidgin), as proclaimed on Regenvanu's campaign T-shirts. He went on to win with the largest number of votes (1,710) received by any candidate in the electoral history of Vanuatu—10.8 percent of the votes in the Port Vila constituency. Although two long-serving members of Parliament were defeated—Barak Sope, leader of the Melanesian Progressive Party (MPP), representing Efate, and Willie Jimmy (NUP), representing Port Vila—it was soon clear that instead of the wholesale ousting of the old guard as trumpeted by the candidates who had campaigned for change, the result of the voting was just the opposite. A total of thirty sitting members of Parliament (58 percent) were returned—the highest number ever in an election.

Only two women were elected from

among the seventeen who contested the election. However, one from the island of Epi lost her seat in a court challenge in which she was accused of treating (extending favorable treatment to someone) and a male was returned in a by-election later in the year.

In addition to the problem of differentiating between the custom practice of rewarding one's supporters and outright bribery, the results of the election revealed that several disturbing trends from past elections continued or worsened. Most significant was the ever-increasing number of parties and independents who chose to contest the election—a trend that began in the late 1980s and 1990s as the major political parties began to fragment, leading to the current era of coalition governments. The number of parties reached an all-time high in the 2008 election with twenty-eight contesting in varying numbers in Vanuatu's seventeen electoral constituencies. In addition, the 2008 election saw the highest number of independents ever to contest an election—89 out of the total of 345 candidates.

Another aspect of the election process that had not changed was the difficulty faced by politicians in 2008 in forming a viable coalition out of the fifteen separate political parties and four independents who had won seats—the direct result of the problem of too many parties and independents. None of the parties had the commanding numbers required to anchor a solid alliance. Indeed, even two of the larger parties together did not provide a solid majority, and thus politicians found themselves competing for the individual elected members of the smaller parties and independents.

Following the counting of votes and intense maneuvering among the major parties, involving accusations of “member stealing” and exchange of large sums of money to secure support, a coalition between the Vanua‘aku Pati (VP), led by Edward Natapei, and the National United Party, led by former Prime Minister Ham Lini, emerged to form the government after Parliament’s first meeting on 22 September. With a slim 27 to 25-seat majority in the country’s 52-seat Parliament, and intense rage among opposition members who had expected until the last minute to form the majority, the viability of the government appeared to be at risk.

Indeed, several days later the new Opposition, headed by the president of the Vanuatu Republican Party (VRP) and former minister of lands in the previous government, Maxime Carlot Korman, tabled a motion of no confidence in the new VP/NUP coalition. However, in a surprise move—or not so surprising, depending on one’s reading of Vanuatu’s political history—UMP leader Serge Vohor decided at the last minute to shift allegiance and joined the VP/NUP alliance, defeating the no-confidence motion on 3 October, claiming he did so to ensure political stability in the country. With the strength provided by three major parties—the VP/NUP/UMP together controlled twenty-six members—the Honorable Edward Natapei, leader of the Vanua‘aku Pati, was reconfirmed as prime minister.

But the political chaos was not over. Incensed by the reallocation of ministerial portfolios required to accommodate the Union of Moderate Parties, three members of Natapei’s

Vanua‘aku Pati and one from the National United Party who had missed out revolted and joined with the Opposition to table another motion of no confidence. In the vote that took place on 26 November 2008, three of the rebel members of Parliament plus several other independents returned to support the government coalition, allowing it to survive once again.

In an attempt to demonstrate the strength of the new government coalition following its chaotic birth after the September 2008 election, the three major parties (VP, NUP, and UMP) and various smaller parties (Labor Party, Nagriamel Movement, MPP, and People’s Progressive Party [PPP]) signed a new memorandum of understanding in early January 2009. This preceded the launching of a document laying out the government’s new, four-year policy direction. Prime Minister Natapei announced that, as under his predecessor and now deputy prime minister, Ham Lini, the new government would focus on maintaining political stability within the coalition in order to survive in power and achieve its goals (*VDP*, 2 Feb 2009).

At the same time, the Opposition came together (VRP, PPP, and Green Confederation) supporting Maxime Carlot Korman as leader and, later, PPP President Sato Kilman (*VDP*, 2 March 2009). Surprising to many was the decision of newly elected independent MP Ralph Regenvanu to ally with the Opposition, since he had been openly critical of its leader during the election campaign vowing never to join forces with him. Regenvanu most likely would have said that while he did not support Korman, he was opposed to all of the major parties and

preferred not to join them in the government. Instead, he has joined with the smaller parties—Green Confederation led by Moana Carcasses, the People's Progressive Party led by Sato Kilman, and others—to form what is known as the Alliance.

To demonstrate their solidarity, the government coalition partners decided to run a single candidate in the Epi by-election, agreeing to back Leinavao Tasso, the successful VP candidate in the national election who had had her MP title stripped by a court challenge that her associates had been guilty of treating (*VDP*, 2 Jan 2009). What should have been an easy victory, however, failed to materialize. The election was won by independent candidate Ioan Simon, demonstrating that constituents in Vanuatu cannot always be counted on to follow blindly the decisions of their leaders in far-off Port Vila (*VDP*, 9 Feb 2009). The by-election for Tanna took place in early March, and four for Efate in August (all four seats had been declared vacant in a court challenge). It took eleven months to finalize the election—an unacceptable delay by any standard.

While the coalition remained intact, tensions within the National United Party began to increase over the failure of the party president, Ham Lini, to discipline Minister for Vanuatu Business James Bule (*NUP*) over alleged corruption. Three *NUP* members of Parliament, including Speaker George Wells, were expelled from the party and joined the Opposition. Sensing a chance to unseat the government, the Opposition tabled a vote of no confidence in June (*VDP*, 9 June 2009). Natapei negotiated a

reshuffle, bringing several members of the Vanuatu Republican Party into the coalition—its president, Maxime Carlot Korman, replaced Wells as Speaker. Serge Vohor, *UMP* president, gave up a ministry to accommodate one of the VP backbenchers who had failed to get a portfolio when the government was first formed and sided with the Opposition (*VDP*, 11 June, 12 June 2009). The announcement by the court a few days later that the elections of the four Efate members were void, costing the government three seats, encouraged the Opposition in their challenge of the government. But the government's temporary loss in numbers was not enough, and the vote of no confidence on 16 June failed (*VDP*, 16 June 2009). However, other political events that took place during the second half of 2009 would demonstrate that the coalition was still vulnerable.

In August, the five-year term of President Kalkot Matas Kelekele came to an end. As a practicing lawyer and former Supreme Court judge, he had fulfilled his duties without incident but alienated some politicians by advocating substantial constitutional reform. For example, he favored replacing Vanuatu's Westminster form of government with a presidential system, as a way to deal with the political instability Vanuatu had experienced during the previous decade. In total, there were eleven candidates: the National United Party backed the reelection of the president (who, it should be noted, is married to Ham Lini's sister); the Vanua'aku Pati supported two candidates, veteran politicians Kalo Nial from Santo and Iolu Johnson Abbil from Tanna; the Union of Moderate Parties proclaimed it was time for

a woman to become president and nominated long-time supporter and women's advocate Yvette Sam; and the Alliance supported former UMP President Vincent Boulekone. The Vanuatu Republican Party did not nominate a candidate. The Electoral College, which consists of all fifty-two members of Parliament plus the presidents of the six Provincial Councils, took two days to come to a decision. After several ballots—the vote is secret—support began to shift. Rumor had it that the Vanuatu Republican Party supported the NUP nomination, while the Alliance and the Union of Moderate Parties fell in behind the Vanua'aku Pati, giving the victory to Iollu Johnson Abbil, who won 42 votes in the last round to 16 for the incumbent, Kalkot Matas Kelekele (VDP, 2 Sept, 3 Sept 2009).

The election of a new Port Vila municipal government would also test the ability of the coalition to work together. All the major parties fielded candidates for the 14 councillor positions with the Alliance and Vanua'aku Pati each winning 4, the National United Party 3, the Union of Moderate Parties 2, and the Vanuatu Republican Party 1 (VDP, 6 Nov 2009). Negotiations within the coalition soon reached an impasse: the Vanua'aku Pati expected to hold the top position of lord mayor, but the four newly elected councillors could not agree between themselves. In the end, the leaders of the parties had to meet to negotiate and agreed to a formula to allocate the positions—the Alliance was given the position of lord mayor, and the Vanua'aku Pati got the positions of deputy mayor and town clerk. The Union of Moderate Parties and the

Vanuatu Republican Party were also allocated positions, but, significantly, the National United Party was not involved in the negotiations and was totally excluded (VDP, 19 Nov 2009).

The position of the National United Party within the coalition had become an issue several months earlier with the announcement by the Reserve Bank that so-called custom currencies—*livatu* and *selmane* (shell money)—could not be used as national custom currencies, nor could they be used interchangeably with the *vatu* currency. The use of custom currencies has been gaining greater prominence since the development of the "National Self Reliance Strategy 2020," which was supported by the government through its decision to designate both 2007 and 2008 as a "Year of the Traditional Economy." The particular issue that the Reserve Bank was responding to arose from a request by the Vanuatu Indigenous Peoples' Forum, which is associated with an organization based in the northeast of the island of Pentecost known as the Melanesian Institute of Science, Philosophy, Humanity and Technology, founded in 1997 by the late president, Father Walter Lini. Its aim is to promote the development model of the Turaga Nation, as the supporters of the institution call their movement—Raga is the indigenous name for the island of Pentecost. The common term used for this development model is "custom economy," which Turaga supporters claim (and is generally accepted) sustains the 80 percent of the people of Vanuatu who reside in rural areas. Essential parts of the system were the establishment of Tanbunia custom bank

and Tanmarahi reserve system, the valuing of indigenous currencies, and the 1998 declaration of a pig tusk as the highest valued custom currency in Vanuatu. The Vanuatu Indigenous Peoples' Forum was planning for the Declaration of Custom Economic Independence and had requested the Government of Vanuatu to recognize the custom currencies and provide a donation in Vanuatu *vatu* of the cash equivalent that had been deposited in Tanbunia for the celebration—20,000 *livatu* or 360 million *vatu* (VDP, 15 Aug 2009). (100 *vatu* equals approximately US\$1.00.)

Despite the negative position taken by the Reserve Bank, the Council of Ministers had, in fact, agreed to make a contribution based on a proposal presented to it by Deputy Prime Minister Ham Lini (NUP)—brother of the late Father Walter Lini and of Hilda Lini, one of the leaders in the Turanga Movement. This was done, however, without the presence of Minister of Finance Sela Molisa (VP), who was away at the time and refused to sign off on the arrangement on his return. In a surprise comment, Molisa blamed the problem on the “legacy of the late Prime Minister Father Walter Lini that split the VP [in 1991] . . . the Prime Minister just had to remove the National United Party because it is clear the issue (custom economic independence) is still alive” (VDP, 21 Nov 2009). While accepting the importance of the custom economy for rural Ni-Vanuatu, Molisa is far more inclined to believe that Vanuatu's future lies in integrating into the global economy. The effect of this decision was to create a fatal rift between the National United Party

and the Vanua'aku Pati, which could be detected earlier in the presidential election and in the negotiations following the election of the new Port Vila municipal government, precipitating a reshuffle of the coalition.

Prime Minister Natapei removed the National United Party and the Vanuatu Republican Party, whose members had supported the NUP nominee for president, and brought in the Alliance with its fifteen associated members of Parliament. Natapei also used the opportunity to remove as minister of lands renegade VP member Harry Iauko, who had been brought back in the last reshuffle and had been accused of corruption over land sales. The head of the Alliance, Sato Killman (PPP), was made deputy prime minister and given two additional portfolios. The Union of Moderate Parties came out best—clearly a reward for the party's loyalty—acquiring two additional portfolios, for a total of four. In the last reshuffle, Serge Vohor had given up a portfolio to help facilitate the new arrangement and had supported the VP nominee for president. The new coalition consisted of the Vanua'aku Pati, Union of Moderate Parties, and Alliance, supported as well by various independents and several VRP and NUP members who refused to go along with their party leaders (VDP, 20 Nov 2009).

In a surprise move, believed by many as an attempt to protect his position as Speaker, Maxime Carlot Korman (VRP)—his party having just been expelled from the coalition—countered by declaring that the prime minister had vacated his seat in Parliament. Natapei was attending an overseas conference and, the Speaker

alleged, failed to get his permission to be absent from an extraordinary session scheduled at the same time. Natapei appealed to the Supreme Court, and the chief justice ruled that the Speaker's decision to unseat the prime minister was "unconstitutional and of no legal effect" (*VDP*, 7 Dec 2009). The saga continued, however, with the prime minister facing a vote of no confidence on his return on 10 December 2009, moved by the now leader of the Opposition, Ham Lini; the motion was defeated.

It was not surprising that the government reacted straight away with a motion of no confidence against Speaker Korman—the Speaker is elected by the Parliament from among its members. It was intended that the vote would take place on the same day as the vote of no confidence against the prime minister, but Korman ruled that it should be delayed for a week. Through various manipulations of standing orders, he was able to thwart three more attempts to unseat him. The issue was not resolved before the end of the parliamentary session (*VDP*, 16 Dec, 18 Dec 2009). In early January 2010, he resigned and was replaced by former Speaker George Wells.

Rising crime rates in Vila and Luganville—two murders reported on Efate and levels of theft and violence increasing—became dominant issues throughout 2008 and 2009. The escape from custody of a number of dangerous prisoners focused much of the public outcry on the failures of the Vanuatu Correctional Services Department, which had been established in 2006 when responsibility for management of prisons was transferred from

the police. By the end of June 2008, the control of the Correctional Services Department was returned to the police and an order given, permitting them to be armed during the recapture of prisoners. But this change did not improve the situation, and in December a final mass escape occurred, following the release by the prisoners of a document entitled "Prisons Report 2008: Vanuatu's Notorious Prison in Disguise" (Prisoners 2008). Vanuatu's prisons have in the past been the subject of an Amnesty International Report documenting human rights abuses (AI 1998).

On 19 December 2008, prisoners set fire to their bedding, overpowered their guards, and escaped en masse (*VDP*, 20 Dec 2008). Shortly afterward, two members of Parliament representing Port Vila—Moana Carcasses and Ralph Regenvanu, both members of the Alliance—were arrested and spent a night in jail for allegedly aiding the prisoners in their escape. For several weeks prior, both had spoken out strongly against prisoner abuse and the poor conditions of the prison, and when the mass escape took place, they organized a safe haven in the Chiefs' Nakamal (meeting house), where the prisoners could assemble and be protected from feared police violence. Carcasses and Regenvanu were charged with accessory after the fact, harboring or assisting a prisoner, and obstructing a police officer on duty. Conviction would have led to their losing their seats in Parliament and prohibition for standing again in an election for a period of ten years. The government was clearly keen to see the two Opposition members convicted, but the case against them was eventu-

ally dropped for lack of evidence in late September (VDP, 26 Sept 2009).

The most pressing issue faced by the new government in 2009 was how to deal with the aftermath of the prison riot. Opinion was split—little sympathy for prisoners convicted of violent crimes, but at the same time anger at the inability of the government to protect the public. The main focus of discontent was the Correctional Services, as articulated on several occasions in strongly worded comments in the *Vanuatu Daily Post* (VDP). The editor of the newspaper, Marc Neil-Jones, wrote a strong editorial after the prison riot calling for Acting Director of the Correctional Services Joshua Bong to step down or be suspended until the results of a government inquiry had been completed. In reaction, on Saturday, 17 January 2009, members of the Correctional Services assaulted Neil-Jones in his office, leaving him with multiple bruises and abrasions. The officers suspected of the assault have yet to be brought to justice (VDP, 19 Jan 2009). The appointment of a new acting director of the Correctional Services, veteran public servant Mark Bebe, began to turn things around—at least with regard to prison facilities. The New Zealand government reaffirmed its commitment to funding the construction of a new prison and gave an additional 45 million *vatu* for the refurbishing of existing facilities.

However, issues relating to the quality of policing remained unresolved. At the end of March 2009, the public was shocked to learn of the death of a prisoner, John Bule, who had escaped at the time of the prison fire, been recaptured, escaped again, and died in the hands of the police

during his recapture. According to the pathologist's report, Bule had died as the result of "extensive blunt force" having been applied to his body. A New Zealand judge on secondment to Vanuatu, Nevin Dawson, was appointed coroner to investigate the case (VDP, 24 April 2009). During hearings that followed, Judge Dawson expressed his concern about the lack of cooperation he was receiving from police officers involved in the case, accusing them of "making up evidence" (VDP, 27 Nov 2009). The appointment of Peter Bong as police commissioner—he had been suspended as acting commissioner following the attack on *Daily Post* editor Marc Neil-Jones—astounded many and raised serious questions about the willingness of authorities in the Vanuatu government to deal with the serious problem of violence within the police forces (VDP, 30 Sept 2009). Insuring that the rule of law applies to everyone—individual Ni-Vanuatu, politicians, and members of the security forces—is an issue that the government has yet to adequately address and will continue to be an issue in years to come.

The resurgence of the old Anglophone/Francophone rivalry, an issue thought by many to have faded away, made a surprising resurgence during 2009. At the end of January, just prior to the start of the new academic year, Minister of Education Charlot Salwai, UMP member from Pentecost and himself a Francophone, announced that he was canceling the scholarships for most of the Ni-Vanuatu Francophone students studying in Noumea at the Université de la Nouvelle-Calédonie, citing poor results due to lack of discipline and inadequate academic preparation. The minister was signal-

ing his belief that Francophones were educationally disadvantaged and announcing his commitment to bring about change in the country's education system to correct the situation. Minister of Finance Sela Molisa (VP)—an Anglophone—responded positively by getting the Council of Ministers' approval for the allocation of 101 million *vatu* of Chinese government aid money for the construction of facilities for Francophone students at the Port Vila campus of the University of the South Pacific (VDP, 10 Feb 2009).

In September, as part of the Ministry of Education's reform proposals, a new language policy was introduced that aroused significant negative response. In place of the existing dual system of education—separate English- and French-medium schools—the new policy, designed to create bilingual citizens, proposed that a single system be developed in which all students would be taught in French up to class 8 with the slow introduction of English. The argument was that since French was supposedly harder to learn than English, and because of the link between English and Vanuatu's lingua franca, Bislama, every child should first learn French. What would happen after class 8 was not clear. Since only a modest percentage of students go on to high school, the proposal appeared to many like the old French Condominium plan to transform Vanuatu (then the New Hebrides) into a French-speaking country. The impact this would have on children whose parents had chosen to have them educated in the English system led to strong criticism at several public meetings in Port Vila and around the country.

Since the Vanuatu Constitution

states clearly that “the principal languages of education are English and French” (Article 3[1]) and is silent on the issue of bilingualism, the proposed change appears to be unconstitutional. Moreover, the constitution states that “a citizen of Vanuatu may obtain, in the official language that he uses, the services which he may rightfully expect from the administration of the Republic of Vanuatu” (Article 64 [1]). Denial of the right to be educated in English would be a clear violation of the rights of the individual under the Constitution. The fact that the minister of Education is a UMP member may explain why there has been no comment from the government as a whole on this very sensitive issue; at this point there is clearly no interest on the part of the VP-led government to create instability within the coalition. It is fascinating to note that thirty years after independence, the old political rivalry created by the two colonial powers—Great Britain and France—continues to plague Vanuatu. Anglophone and Francophone politicians find it easier today to work together, but the issue of language has not been resolved and will continue to be part of the political debate for years to come.

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